

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

RESOLUTION # 1121– 480SP
APPROVED November 29, 2021

WHEREAS, the Wilton Planning and Zoning Commission (“the Commission”) has received Special Permit application **SP #480** from CT Humane Society, to allow the construction of a 14,243 SF one story building and related site improvements, including parking areas, stormwater runoff treatment systems, landscaping and lighting for a non-profit use on property located at 863-875 Danbury Road, in the **R1-A** zone, Assessor’s Map #11, Lots #47, #47-1 and #47-2, consisting of 18.32+/- acres and shown on the plans entitled:

Property Survey, entitled “Property and Topographic Survey Prepared for Connecticut Humane Society Depicting 863 Danbury Avenue (U.S. Rte. &), Wilton, CT, Scale 1”=60”, dated January 20, 2021, prepared by Douglas R. Faulds, LS, of Ryan and Faulds, Land Surveyors, Wilton CT, a Redniss and Mead Company.

Site Development Plan, by Craig J. Flaherty, CT PE, of Redniss & Mead Planners / Engineers, 22 First Street, Stamford, CT dated July 1, 2021 as entitled “Site Development Plan depicting 863 Danbury Road, Wilton CT Prepared for Connecticut Humane Society”, Scale 1’=30’

Landscaping Plan, by Environmental Land Solutions, LLC, 8 Knight Street, Norwalk, CT entitled: Landscape Plan, Connecticut Humane Society, 863 Danbury Road, Wilton, Connecticut, dated July 1, 2021, revised to August 27, 2021 by Katherine E. Throckmorton, RLA

WHEREAS, the Commission conducted public hearings electronically on September 13, 2021, October 12, 2021 and November 8, 2021 to receive comment from the applicant and the public, and the Commission fully discussed and considered all submitted evidence at a meeting of November 22, 2021 and November 29, 2021.

WHEREAS, Inland Wetlands Application (WET # 2714) was reviewed and approved by the Wilton Inland Wetlands Commissions at their meeting of October 28, 2021 and the report has been considered by the Commission.

WHEREAS, the special permit was reviewed by the Architectural Review Board for comments concerning architectural design, landscaping and site improvements and the Commission has fully considered the findings of the ARB's June 3, 2021 meeting, which were positive.

WHEREAS the Commission has received expert testimony from the applicant's traffic engineer, civil engineer, landscape architect, building architect and an acoustical engineer and has considered their input.

WHEREAS, the Commission has diligently reviewed the application and accompanying plans and finds it to be in substantial compliance with the Wilton Zoning Regulations and, in particular, those requirements governing Special Permits for a non-profit use in the R1-A residential zone.

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #480, effective **December 7, 2021** to allow the construction of a 14,243 SF one story building and related site improvements, including parking areas, stormwater runoff treatment systems, landscaping and lighting for a non-profit use on property located at 863-875 Danbury Road, in the **R1-A** zone, Assessor's Map #11, Lots #47, #47-1 and #47-2, consisting of 18.32+/- acres, subject to the following modifications:

General Modifications:

1. This Resolution does not replace requirements for the owner to obtain any other permits or licenses required by law or regulation by the Town of Wilton, such as, but not limited to: Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the Government of the United States. Obtaining such permits or licenses is the responsibility of the owner. All required Town agency signoffs shall be provided as required, along with meeting all of the requirements of the State of Connecticut Department of Transportation.
2. In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on **December 7, 2026**.
3. A bond estimate shall be provided by the applicants to the Commission's staff, to ensure proper installation and maintenance of the approved soil and erosion control measures; specifically silt sacks, erosion control fencing, tracking pads and temporary sedimentation basins, along with a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in a form and amount with proper surety satisfactory to the Commission staff and Town Counsel and shall be submitted prior to the issuance of a zoning permit.
4. The applicant shall file the final stormwater maintenance and inspection plan that was submitted as part of the applicants engineering report. Such declaration shall be subject to

review and approval of the Town Planner and Town Counsel and, following review and approval, filed in the Wilton Land Records. A copy of the recorded declaration shall be submitted to the staff prior to the issuance of a zoning permit.

5. The erosion and sedimentation plan shall be installed and such installation approved by the P&Z staff, prior to any work, including demolition, begins on the site; all trees to be preserved adjacent to the proposed northern dog run shall be properly marked and safety fencing installed prior to any work.
6. As a portion of the property is shown on the Department of Energy and Environmental Protection (DEEP) Natural Diversity Data Base map, the plans to protect the Eastern Box Turtle, as approved by the Inland Wetlands Agency, be followed and added to the approved plans.
7. That in accordance with Section 29.9E.2.b of the Wilton Zoning Regulations, the intensity of the lighting is allowed to be under the usually required 2.5 foot-candles, given the proximity of the neighbors.
8. All outdoor lighting shall be properly shielded so as to direct illumination towards the ground; that all general exterior lighting be on an automatic timer, automatically turning off between the hours of 11:00 PM to 6:00 AM., except for safety lighting, which is to be approved by the Commission.
9. Any additional site work and changes beyond the approved plans shall be submitted for review and approval prior to any changes.
10. Any new signage shall be in compliance with the Wilton zoning regulations (unless an Alternate Signage program is approved) and be reviewed and approved by the P&Z staff.
11. Hours of construction shall be limited to Monday through Friday between the hours of 7:30 AM and 6:00 PM and Saturday between the hours of 8:00 AM and 5:30 PM. No construction shall be permitted on Sunday or legal holidays; said conditions shall not apply to any construction activity occurring within any fully-enclosed interior of the building.
12. The operations of the building and associated mechanicals shall at all times comply with the noise standards set forth in Section 29.9.H.7 of the zoning regulations.
13. That proper screening be installed around the rooftop HVAC units.
14. That any dogs utilizing any outdoor exercise areas be with a handler at all times and the number of dogs outside at any one time be limited to a maximum of 5 animals in order to minimize dogs barking.
15. That as recommended by the acoustical report, any windows in rooms where dogs are going to kept overnight have double pane windows with one pane laminated to increase the acoustic isolation.

16. The existing buildings shall not be razed until such time as demolition permits have been issued by the Town of Wilton.
17. The owner shall be required to maintain all landscaping (trees, shrubs, etc.) planted in connection with the application ("Trees") for the duration of the Special Permit. Should any Trees planted in connection with this application not survive for any reason, the same shall be replaced by the owner in kind. P & Z staff shall be permitted to enter the property upon appropriate notice to the owner, to inspect and confirm the survival of the Trees.
18. The owner shall file a Land Record Information Form with the Town Clerk (form to be provided by the P&Z staff) and a copy of the filed Land Record Information Form shall be submitted to the P&Z staff prior to the issuance of a zoning permit.
19. Two (2) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:
 - a. "Pursuant to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on **December 7, 2026.**"
 - b. "For conditions of approval for Special Permit #480, see **Resolution #1121 – 480SP.**"

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE:

1. Following completion of the development, the applicant shall provide an "as-built" photometric plan for the property. The plan shall account for all lighting and confirm compliance with the approved plans.
2. The applicant shall furnish the staff with an as-built survey of the property. Said survey shall depict the subsurface drainage system, location of all buildings/structures and parking spaces and shall include building height calculations, building and site coverage calculations, regulatory setbacks and average grade calculations.,
3. This as-built shall be accompanied by an engineering certification from a Connecticut-licensed engineer verifying that the installation is in conformance with the engineers site plan approved by the Commission and in accordance with Town of Wilton standards.
4. The operations of the building and associated mechanical shall at all times comply with the noise standards set forth in Section 29.9.H.7 of the zoning regulations.

END RESOLUTION

